

No. 21-35607

IN THE
United States Court of Appeals For the Ninth Circuit

MARIA MOELLER AND RON MOELLER,

Plaintiffs-Appellees,

VS.

THE ALIERA COMPANIES, INC.,

Defendant-Appellant,

AND

TRINITY HEALTHSHARE, INC., *ET AL.*,

Defendants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, HELENA
No. 6:20-CV-00022-SEH

**AMENDED MOTION TO WITHDRAW AS COUNSEL
FOR APPELLANT THE ALIERA COMPANIES INC.**

E. Travis Ramey
Burr & Forman LLP
420 North 20th Street
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Birmingham, Alabama 35203
(205) 251-3000
tramey@burr.com

**AMENDED MOTION TO WITHDRAW AS COUNSEL FOR
APPELLANT THE ALIERA COMPANIES INC.**

Counsel for Appellant the Alieria Companies Inc. (Alieria), E. Travis Ramey and the law firm of Burr & Forman LLP, move this Court to enter an order allowing their withdrawal as counsel of record for Alieria. In further support, Counsel states the following:

1. Professional considerations require that Counsel terminate representation of Alieria.

2. When Alieria retained Counsel to represent it in this appeal and related litigation, Alieria entered into an agreement with Counsel governing the terms of the representation. Alieria has failed to abide by the terms of that agreement and has failed to substantially fulfill its obligations to Counsel.

3. Counsel has notified Alieria of its intent to withdraw and has informed Alieria that it may not proceed *pro se* in the case.

4. If permitted to withdraw, Counsel will take all steps necessary to avoid harming Alieria's interests. Counsel's withdrawal will not result in a material adverse effect on Alieria's interests.

5. To that end, if permitted to withdraw, Counsel requests that Alieria be given thirty days in which to hire new counsel and asks that the Court stay all upcoming deadlines for those thirty days. *See also* 9th Cir. R. 27-11 (noting that motions to withdraw “shall stay the schedule for record preparation and briefing pending the Court’s disposition of the motion” and such schedule “shall be reset as necessary upon the Court’s disposition of the motion”).

6. Counsel for Plaintiffs-Appellees has been notified of Counsel’s request to withdraw, and he does not oppose it.

7. Counsel is unaware of substitute counsel who may file a notice of appearance on behalf of Alieria, and Counsel has advised Alieria of the risks of not obtaining substitute counsel. Alieria’s last known business address (as of October 14, 2021) and phone number are as follows:

The Alieria Companies Inc.
P.O. Box 28220
Atlanta, GA 30358
Telephone: 404-618-0602

WHEREFORE, Counsel respectfully requests that the Court grant this Amended Motion to Withdraw.

Respectfully submitted,

s/ E. Travis Ramey

E. Travis Ramey

Attorney for Appellant The
Alieria Companies Inc.

OF COUNSEL:

BURR & FORMAN LLP

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CERTIFICATE OF COMPLIANCE WITH RULE 27

This Motion complies with the type-face and type-style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E). The motion has been prepared in 14-point Century Schoolbook, which is a proportionally spaced font that includes serifs.

This Motion also complies with the type-volume limitations in Federal Rule of Appellate Procedure 27(d)(2) and Ninth Circuit Rule 27-1 because it contains 333 words.

s/ E. Travis Ramey

OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2021, I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

John M. Morrison, Esq.
MORRISON, SHERWOOD, WILSON & DEOLA, PLLP
401 N. Last Chance Gulch
Helena, MT 59601

I have also served Appellant The Alieria Companies Inc. at the address below.

The Alieria Companies Inc.
P.O. Box 28220
Atlanta, GA 30358

s/ E. Travis Ramey

OF COUNSEL